



### SETTLEMENT AGREEMENT

THIS AGREEMENT is entered into by the United States Department of Agriculture, Animal and Plant Health Inspection Service ("APHIS"), and Norman Witt and Erma Jean Witt, with reference to the following facts:

1. At all times mentioned herein, Norman Witt and Erma Jean Witt operated as a Dealer under the Animal Welfare Act (7 U.S.C. § 2131 *et seq.*) (the "AWA") at the facility located at 7635 N. Highway 99, Wamego, KS 66547.
2. APHIS has documented evidence of Norman Witt and Erma Jean Witt's non-compliance with the AWA and the regulations promulgated thereunder (9 C.F.R. § 1.1 *et seq.*), and specifically, has documented evidence of Norman Witt and Erma Jean Witt's failure to accurately maintain records concerning each dog on the premises and provide dogs with adequate husbandry, as required by the AWA regulations and AWA standards for the humane handling and treatment of animals (9 C.F.R. §§ 2.75, 3.1, 3.6, 3.11).
3. APHIS has not instituted an administrative enforcement action based on the findings described above in paragraph 2.
4. APHIS and Norman Witt and Erma Jean Witt have determined to settle the issues related to the potential violations of the AWA and the regulations and standards issued thereunder, as described above.

NOW, THEREFORE, it is agreed as follows:

5. Norman Witt and Erma Jean Witt admit that the Secretary has jurisdiction in this matter, and waive oral hearing and further procedure.
6. Norman Witt and Erma Jean Witt consent and agree to the following:
  - a. As of the date Norman and Erma Jean Witt sign this Settlement Agreement, AWA license 48-A-0805 is hereby revoked.



b. Animal Care will, upon written request, grant an exemption for Norman Witt and Erma Jean Witt to retain a reasonable number of dogs that are maintained for their own personal use and enjoyment, provided that the laws of the jurisdiction where Norman Witt and Erma Jean Witt live allow them to keep the animals.

c. Animal Care will, upon written request, grant a one-time exemption from the licensing requirements for the transfer, movement, and/or sale of any dog that Norman Witt and Erma Jean Witt hold at the time Norman Witt and Erma Jean Witt sign this Settlement Agreement, to include the transportation of dogs that are less than eight (8) weeks of age.

d. At a time that is mutually agreeable to both parties, Animal Care shall take inventory of the animals currently present at Norman Witt and Erma Jean Witt's facility to determine their existing inventory of animals, and Animal Care shall take a second inventory of the animals present at Norman Witt and Erma Jean Witt's facility within twelve (12) weeks from the date Norman Witt and Erma Jean Witt sign this Settlement Agreement to verify compliance with paragraph (a) above. Norman Witt and Erma Jean Witt shall not unreasonably withhold their consent to a time and date for Animal Care to conduct the inventories. Norman Witt and Erma Jean Witt shall document all sales, donations, transfers of ownership and provide copies of those documents to Animal Care within twelve (12) weeks from the date Norman Witt and Erma Jean Witt sign this Settlement Agreement.

e. Norman Witt and Erma Jean Witt and any partnerships, firms, corporations or other legal entities that they control or in which they have a substantial interest, financial or otherwise, are permanently disqualified from (a) obtaining an Animal Welfare Act license, and (b) engaging in activities governed by the Animal



Welfare Act (7 U.S.C. § 2131 *et seq.*) and regulations issued thereunder (9 C.F.R. § 1.1 *et seq.*), either directly or indirectly, on or off 7635 N. Highway 99, Wamego, KS 66547.

7. Norman Witt and Erma Jean Witt consent and agree that their failure to comply with the terms of this Settlement Agreement shall automatically void paragraph 8 below, and that APHIS shall have the right to immediately institute enforcement proceedings against Norman Witt and Erma Jean Witt based upon the non-compliant items documented at 7635 N. Highway 99, Wamego, KS 66547, in connection with animal welfare investigation KS09026-AC, and any future violations, and to pursue any and all remedies available to APHIS under the AWA.

8. For and in consideration of Norman Witt and Erma Jean Witt's agreements and actions described in paragraph 6 above, and the promises and admissions of Norman Witt and Erma Jean Witt set forth herein, APHIS agrees not to institute an administrative or civil enforcement action against Norman Witt and Erma Jean Witt in connection with the alleged AWA violations documented in animal welfare investigation KS09026-AC.

APHIS and Norman Witt and Erma Jean Witt warrant and represent that their respective representatives, whose signatures appear below, have the authority to execute this Settlement Agreement and to bind each of the parties, respectively, to this Settlement Agreement.



United States Department of Agriculture  
Animal and Plant Health Inspection Service  
Investigative and Enforcement Services

Reference Number: KS09026-AC  
Issuance Date: March 19, 2012  
Version: Final

Norman Witt and Erma Jean Witt

Signature: \_\_\_\_\_

Date: 4 Apr 2012

Signature: \_\_\_\_\_

Date: 4 Apr 2012



**Erma Jean Witt**  
7635 N Highway 99  
Wamego, KS 66547-9515

U.S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Signature: \_\_\_\_\_

**MAY 14 2012**  
Date: \_\_\_\_\_

Robert J. Huttenlocker

Director

Investigative and Enforcement Services

Animal and Plant Health Inspection Service

United States Department of Agriculture